

CITY OF BELLEVUE
CITY COUNCIL

Summary Minutes of Regular Session

December 14, 2009
8:00 p.m.

Council Chamber
Bellevue, Washington

PRESENT: Mayor Degginger, Deputy Mayor Balducci, and Councilmembers Chelminiak, Davidson, Lee, Robertson, and Wallace

ABSENT: None.

1. Call to Order

The meeting was called to order at 8:10 p.m., with Mayor Degginger presiding.

2. Roll Call, Flag Salute

Upon roll call, all Councilmembers were present. Councilmember Lee led the flag salute.

- (a) Swearing in of Councilmembers-elect Don Davidson, Conrad Lee, and Kevin Wallace

Mayor Degginger introduced the swearing in of Councilmembers-elect Don Davidson and Conrad Lee to begin new four-year terms. He noted that Councilmember Wallace was previously sworn in to complete the unexpired term of former Councilmember Marshall. He will be sworn in tonight for his new four-year term.

Judge Brian Gain administered the oath of office to Councilmembers Davidson, Lee, and Wallace.

Mayor Degginger suggested pausing for a few moments to take photographs.

- (b) Recognition of King County Library System and Director Bill Ptacek

Mayor Degginger read a proclamation into the record recognizing the King County Library System and Director Bill Ptacek for their role in installing the Gandhi Memorial Statue, a gift from the government of India, on the grounds of the Bellevue Regional Library.

Mr. Ptacek thanked the Council for this recognition, noting that it was unnecessary as the King County Library System was pleased to be a part of this project. He commented on the

importance of intergovernmental partnerships and thanked the Indian American community for their involvement in bringing the statue to Bellevue.

Councilmember Lee thanked Mr. Ptacek for his leadership and acknowledged the role of citizens, City staff, and volunteers in this community effort.

3. Communications: Written and Oral

- (a) Kathy Vinatieri noted the closure of the Knotty Bodies espresso stand. She reported that Cafe Lolita on 148th Avenue agreed to take down its sign and will change to a family-friendly theme. She said that Snohomish County adopted legislation to designate bikini baristas as adult entertainment, and to require an adult entertainment license for these espresso stands. She encouraged the Council to consider similar legislation.
- (b) Molly Graham, representing the Enatai Tree Team, noted the one-year anniversary of residents raising this issue and asking the Council to support their efforts to preserve the old growth tree canopy in Enatai. She thanked the Council for its consideration of this matter. Ms. Graham thanked Mike Kattermann, Dan Stroh, Matthews Jackson, and Neighborhood Enhancement Program (NEP) staff for their work.
- (c) Sudip Gorakshakar, Chair of the National Federation of Indian American Associations (NFIA) for Washington state, expressed appreciation for the placement of the Gandhi statue at the Bellevue Regional Library. He thanked Mr. Ptacek, the King County Library System, and Tom Boydell, Economic Development Manager for the City of Bellevue. He noted that the gift was initiated and coordinated by the work of the local NFIA organization.

4. Reports of Community Council, Boards and Commissions: None.

5. Report of the City Manager

City Manager Steve Sarkozy said staff would like to pull Agenda Item 8(d) from the Consent Calendar to allow time to respond to a question raised late this afternoon. The issue will come back to the Council in January.

(a) Management Brief – Update on Enatai Tree Preservation Request

Planning Director Dan Stroh referred to the management brief on page 5-1 of the meeting packet and provided an update on the Enatai tree preservation request. Staff is seeking Council concurrence to forward the issue to the Planning Commission. He recalled Council direction during the October 26, 2009 meeting to pursue a pilot approach for the Enatai community only at this point. Mr. Stroh explained that staff made significant refinements to the guiding principles following the Council discussion in October. If Council supports the amended guiding principles, staff recommends forwarding the issue to the Planning Commission for its study and development of recommendations.

Councilmember Robertson expressed support for the guiding principles. She noted her involvement in the process to adopt tree preservation regulations for the Bridle Trails area. She requested an update on how well the regulations are working, and suggested that the Planning Commission review the experience in Bridle Trails as it considers regulations for the Enatai area.

Councilmember Chelminiak noted his ongoing concerns about private property rights, the definition of specific neighborhood boundaries, and the appropriate role for the City. He expressed concern about the potential expense to homeowners, and described a situation in which a resident of another city paid \$2,000 for the services of an arborist. The arborist recommended removing more trees than originally considered, and the resident obtained a permit. The result is that neighbors were not happy with the tree removal. Mr. Chelminiak is not sure that tree preservation regulations will achieve their intent. He suggested that the City redirect its approach to consider citywide regulations and to clearly define the objectives of any regulations. Mr. Chelminiak said he is more interested in protecting significant stands of trees as well as larger and/or more mature trees.

Deputy Mayor Balducci observed that the issue is one of community character. She supports moving forward with the Planning Commission's review and study. She encouraged a review of how tree regulations have worked in Bridle Trails before further consideration of expanding this type of approach to another area of the community.

Councilmember Davidson concurred with Ms. Balducci. He noted that he is sensitive to the issues raised by Councilmember Chelminiak, and he feels these issues will be explored by the Planning Commission. Dr. Davidson supports moving forward with the Planning Commission's review.

Councilmember Lee expressed support for forwarding the matter to the Planning Commission for the development of recommendations for the Council's consideration.

Councilmember Wallace stated that this is an opportunity to balance the two important issues of neighborhood character and property rights. He favors looking at individual neighborhoods separately versus a citywide approach. He would like the Planning Commission to conduct a broader review of the many ordinances that have been adopted over the past few years that affect the ability to build or rebuild homes on property. Mr. Wallace noted recently adopted codes regarding stormwater and mega homes as examples. He supports further examination of the issue with respect to the Enatai neighborhood.

Mayor Degginger stated that there is general Council agreement with the guiding principles presented by staff with two revisions: 1) Direct the Planning Commission to review the Bridle Trails tree preservation regulations and their impacts, and 2) Clearly define which significant trees should be preserved. He noted that while this effort is focused on the Enatai neighborhood, the process and issues can be applied to other areas if desired.

Councilmember Robertson suggested that the Planning Commission's analysis should address the cost to homeowners for complying with tree regulations.

Mayor Degginger suggested adding a guiding principle indicating the Council's interest in maintaining reasonable compliance costs.

6. Council Business and New Initiatives

(a) Selection of Temporary Chair for January 4, 2010, Council Meeting

[Council Business was reported during the earlier Study Session.]

Mayor Degginger described Bellevue's form of government, which calls for the selection of a Mayor by Councilmembers at the first official meeting in even-numbered years. The Mayor serves a two-year term and functions as the City's presenting officer. Mr. Degginger noted the need to select a temporary chair for the first meeting in January 2010.

Responding to Councilmember Lee, Mayor Degginger said there are no rules prohibiting the temporary chair from being considered as Mayor.

Deputy Mayor Balducci noted that the Council typically elects the outgoing mayor to serve as temporary chair. Ms. Balducci nominated Mr. Degginger to serve as temporary chair for the January 4, 2010 meeting.

Hearing no further nominations, the nominations were closed by Mayor Degginger.

Mr. Degginger was appointed to serve as temporary chair for the January 4, 2010 meeting by a vote of 7-0.

7. Approval of the Agenda

- Deputy Mayor Balducci moved to approve the agenda, and Councilmember Chelminiak seconded the motion.
- The motion to approve the agenda carried by a vote of 7-0.

8. Consent Calendar

- Deputy Mayor Balducci moved to approve the Consent Calendar, with the exception of Agenda Item 8(d). Councilmember Chelminiak seconded the motion.
- The motion to approve the Consent Calendar, as amended, carried by a vote of 7-0, and the following items were approved:
 - (a) Resolution No. 8023 authorizing approval of payment of \$27,376.65 for a Release of All Claims in final settlement of a claim against the City for property damage to Puget Sound Energy equipment caused by a motor vehicle incident.

- (b) Resolution No. 8024 authorizing execution of a four-year agreement for public defense services with Stein, Lotzkar and Starr, P.S., Inc., in the estimated amount of \$579,696, for the first year to provide public defense services to indigent defendants accused of misdemeanor and gross misdemeanor offenses occurring in the City.
- (c) Resolution No. 8025 authorizing execution of an agreement with Broadstripe which allows the phasing out of cable operations in the City over a period of time.
- (e) Resolution No. 8026 canceling City warrants not presented for payment within a minimum of one year of issuance and directing the transfer of all records of such warrants.
- (f) Resolution No. 8027 repealing Resolution No. 8022-D and providing for the banking capacity of levy capacity pursuant to RCW 84.55.092.
- (g) General Services Contracts - On-Call Painting Services

Resolution No. 8028 authorizing execution of a one-year contract with Ski's Painting, Inc., with the option for an additional three-year renewal, in an amount not to exceed \$240,000, for city-wide on-call painting services.

Resolution No. 8029 authorizing execution of a one-year contract with Washington Industrial, with the option for an additional three-year renewal, in an amount not to exceed \$240,000, for city-wide on-call painting services.

Resolution No. 8030 authorizing execution of a one-year contract with Ellis Construction, Inc., with the option for an additional three-year renewal, in an amount not to exceed \$240,000, for city-wide on-call painting services.

Resolution No. 8031 authorizing execution of a one-year contract with Cortina's Painting & Restoration, with the option for an additional three-year renewal, in an amount not to exceed \$240,000, for city-wide on-call painting services.

- (h) Resolution No. 8032 authorizing execution of a two-year professional services contract with Tri-Med Ambulance to provide Basic Life Support non-emergency patient transport services, with an option to renew for two additional one-year terms.
- (i) General Services Contracts - Landscaping Services

Resolution No. 8033 authorizing execution of a general services contract up to four years with Teufel Landscape, in an amount not to exceed a potential total of \$162,918.18, for maintenance at six natural resource sites.

Resolution No. 8034 authorizing execution of a general services contract up to four years with Plantscapes, in an amount not to exceed a potential total of \$108,900, for maintenance at four natural resource sites.

Resolution No. 8035 authorizing execution of a general services contract up to four years with Teufel Landscape, in an amount not to exceed a potential total of \$106,304.37, for maintenance at six resource management sites.

Resolution No. 8036 authorizing execution of a general services contract up to four years with Signature Landscape, in an amount not to exceed a potential total of \$111,963.59, for maintenance at three resource management sites.

- (j) Ordinance No. 5923 establishing a "No Parking Anytime" zone on the west side of 132nd Avenue NE in front of 1095 and 1011 132nd Avenue NE.
- (k) Resolution No. 8037 authorizing execution of two five-year Lease Agreements, with an automatic five-year extension, with Sprint Spectrum Realty Company, L.P. at the Clyde Hill Water Reservoir Site, located at 2200 96th Avenue NE, Clyde Hill, Washington and the Lakemont 1150 Reservoir Site, located at 16859 SE 59th Street, Bellevue, Washington.
- (l) Ordinance No. 5924 authorizing execution of a Phase II Stormwater Pass-through Grant Agreement with the Washington State Department of Ecology to accept state grant funds of \$50,000 to support City-wide implementation of the National Pollutant Discharge Elimination System (NPDES) Phase II Municipal Stormwater Permit; establishing a project within the Operating Grants, Donations and Special Reserves Fund; appropriating unanticipated and future revenues to that fund; and authorizing the expenditure of said grant funds.

Item Postponed at request of City Manager:

- (d) Ordinance No. 5922 amending the Bellevue City Code, Chapter 5.30 by: 1) requiring any applicant seeking an initial franchise with the City to meet service obligations for the entire ten year term of the initial franchise; 2) requiring, over a reasonable period of time, the construction of a cable system throughout the City upon renewal of the franchise; and 3) authorizing the service of a lesser area provided cable service is constructed throughout this lesser area.

9. Public Hearings: None.

10. Land Use

- (a) Consideration of the application of G.W. Williams Company (Carrington Apartments Rezone) to rezone 5.5 acres at 2501 148th Avenue SE from R-15 to R-20 (15 units per acre to 20 units per acre). The applicant requests the rezone to bring the property zoning into conformance with the existing built residential

density which is 19.5 units per acre. The location of the site is within the East Bellevue Community Council jurisdiction. File No. 09-108001-LQ.

Ordinance No. 5925 approving the rezone application of G.W. Williams Company (Carrington Apartments Rezone) to rezone 5.5 acres at 2501 148th Avenue SE from R-15 to R-20, without conditions.

City Manager Steve Sarkozy recalled that this item was presented for Council discussion on December 7.

Land Use Director Carol Helland explained that the application to rezone 5.5 acres at Carrington Apartments, 2501 148th Avenue SE, from R-15 to R-20 is consistent with adjacent properties to the south that are zoned R-20. It will leave a buffer of R-15 properties to the north. The Hearing Examiner recommends approval of the application without conditions. Ms. Helland said the East Bellevue Community Council has approval or disapproval authority over the ordinance adopted by the City Council.

- Deputy Mayor Balducci moved to adopt Ordinance No. 5925, and Councilmember Lee seconded the motion.
- The motion to adopt Ordinance No. 5925 carried by a vote of 7-0.

11. Other Ordinances, Resolutions and Motions

- (a) Resolution No. 8038 adopting the City of Bellevue State Legislative Agenda and State Legislative Statement of Policy for the 2010 Legislative Session

Mr. Sarkozy noted that the Council has discussed the 2010 State Legislative Agenda and Statement of Policy in preparation for the upcoming legislative session.

Diane Carlson, Director of Intergovernmental Relations, said she has provided the Council with an updated version of the State Legislative Agenda based on Council's discussion during the earlier Study Session regarding the shorelines issue. She briefly reviewed additional revisions based on the November 30 discussion including updating the SR 520 language to more closely match the wording in the Legislative Statement of Policy, and revising the section about I-405 express toll lanes. Three items were moved from the Legislative Agenda to the Statement of Policy (Local option street utility, Stormwater funding, and retiree benefits for Firemen's Pension Fund). There was a slight modification to the section on local business and occupation (B&O) tax authority.

Ms. Carlson noted a proposed new item for the Legislative Agenda, which is the King County lodging tax. This item was in last year's agenda, and a bill is likely to be introduced and acted upon during this session. She noted a revision to the Statement of Policy to support indexing the gas tax.

Mr. Carlson said Councilmember Robertson requested a minor modification to the Statement of Policy under the Transportation Funding section (Paragraph B, 2, b). With regard to the purposes of tolling and pricing, Ms. Robertson suggested changing “revenue generation and traffic management” to “improving performance of the system and supporting capital investment.” Councilmember Robertson said she feels the revision better reflects the Council’s previous discussion about HOT lane policies, as well as related language in the Legislative Agenda.

Mayor Degginger expressed support for the revision. Instead of focusing only on raising revenue, he likes that it reflects what the region is trying to accomplish.

Councilmember Wallace noted that the revision indicates that tolls are to be used specifically for capital investment, as opposed to a more general statement about revenue generation.

Ms. Balducci agreed that the revision emphasizes the desired outcomes of tolling.

Mayor Degginger noted a Council consensus on the language revision proposed by Councilmember Robertson.

Dr. Davidson expressed support for Bellevue’s involvement in the King County lodging tax issue. He wants to ensure that the current use of lodging tax collections is protected.

→ Deputy Mayor Balducci moved to approve Resolution No. 8038 adopting the City of Bellevue State Legislative Agenda and State Legislative Statement of Policy for the 2010 Legislative Session. Councilmember Chelminiak seconded the motion.

→ The motion to approve Resolution No. 8038 carried by a vote of 7-0.

(b) Ordinance No. 5926 updating the school impact fee schedule for Issaquah School District No. 411; amending Section 22.18.100 of the Bellevue City Code; providing for severability; and establishing an effective date.

Mr. Sarkozy recalled Council’s previous discussion regarding the school impact fee schedule proposed by the Issaquah School District. The proposed fee for single-family units decreases from \$5,495 to \$3,344, and the fee for multifamily units decreases to \$0.

→ Deputy Mayor Balducci moved to adopt Ordinance No. 5926, and Mayor Degginger seconded the motion.

Dr. Davidson said he will not be supporting the motion, in part because he is not in favor of using impact fees to finance the expansion of school capital facilities. He also disagrees with fees on single-family units only, and not on multifamily units as well.

Councilmember Lee expressed support for the motion.

Mayor Degginger expressed support as well, noting that there are 1,100 Bellevue kids in the Issaquah School District.

Councilmember Chelminiak said the Bellevue School District and Issaquah School District both have school levy measures on the upcoming ballot. He proposed that the City Clerk take the necessary steps to hold a public hearing and to provide the opportunity for the Council to take a formal position on the levies.

Councilmember Wallace said he is pleased to see that impact fees are decreasing. He noted that the Issaquah School District's levy capacity is smaller than that of the Bellevue School District, and therefore the Issaquah School District has a greater need for identifying alternative funding sources.

→ The motion to adopt Ordinance No. 5926 carried by a vote of 6-1, with Councilmember Davidson opposed.

12. Unfinished Business: None.

13. Continued Oral Communications: None.

14. New Business: None.

15. Executive Session

(a) Personnel Matter

At 9:15 p.m., Mayor Degginger declared recess to Executive Session for approximately one hour to discuss a personnel matter.

16. Adjournment

The Executive Session ended at 10:36 p.m., and Mayor Degginger declared the meeting adjourned.

Myrna L. Basich
City Clerk

/kaw